

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LISA GOYETTE LUCIANO-NORMAN,

Plaintiff, 5:16-CV-1455
(GTS/WBC)

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

MEGDESTO, CROSESETT & VALERINO, LLP KIMBERLY A. SLIMBAUGH, ESQ.
Counsel for Plaintiff
313 East Willow Street, Suite 201
Syracuse, New York 13203

SOCIAL SECURITY ADMINISTRATION
OFFICE OF GEN. COUNSEL-REGION II
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

ARIELLA R. ZOLTAN, ESQ.
Special Assistant U.S. Attorney

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

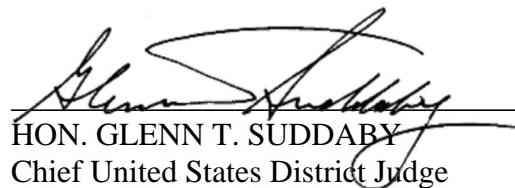
The above-captioned matter comes to this Court following a Report-Recommendation by United States Magistrate Judge William B. Mitchell Carter, filed on September 11, 2017, recommending that Plaintiff's motion for judgment on the pleadings be granted in part and denied in part, the Commissioner's decision denying Plaintiff Social Security benefits be reversed in part and affirmed in part, and this matter be remanded to the Commissioner of Social Security for further proceedings under sentence four of 42 U.S.C. § 405(g) and consistent with the Report-Recommendation. (Dkt. No. 14.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Carter's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation. Magistrate Judge Carter employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 4.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (*Id.*)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Carter's Report-Recommendation (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 9) is **GRANTED** in part and **DENIED** in part, the Commissioner's decision denying Plaintiff Social Security benefits is **REVERSED** in part and **AFFIRMED** in part, and this matter is **REMANDED** to the Commissioner of Social Security for further proceedings under sentence four of 42 U.S.C. § 405(g), and consistent with the Report-Recommendation.

Dated: October 25, 2017
Syracuse, New York



HON. GLENN T. SUDDABY
Chief United States District Judge